

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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|---|---|------------------------|
| In re: |) | Case No. 12-12020 (MG) |
| |) | |
| RESIDENTIAL CAPITAL, LLC, <u>et al.</u> , |) | Chapter 11 |
| |) | |
| Debtors. |) | Jointly Administered |
| |) | |

**ORDER GRANTING MOTION TO LIFT THE STAY
FILED BY RAMON QUIROZ [DOCKET NO. 3978]**

WHEREAS, on June 10, 2013, Ramon Quiroz (the “**Movant**”) filed a motion (the “**Motion**”) to lift the automatic stay imposed by 11 U.S.C. § 362(a) (the “**Automatic Stay**”) in the above-captioned Chapter 11 cases (the “**Chapter 11 Cases**”) to permit Movant to proceed with a prepetition action (the “**Action**”) pending against, among other parties, debtors GMAC Mortgage, LLC (“**GMACM**”) and Homecomings Financial, LLC (“**Homecomings**,” and together with GMACM, the “**Debtor Defendants**”);

WHEREAS, the Action was dismissed by a decision of the United States District Court for the Eastern District of New York (the “**District Court**”) dated August 5, 2011, which decision is currently on appeal (the “**Appeal**”) to the United States Court of Appeals for the Second Circuit (the “**Second Circuit**”);

WHEREAS, the Appeal has been stayed by virtue of the commencement of the Chapter 11 Cases;

WHEREAS, on August 21, 2013, the Debtor Defendants filed an objection to the Motion (the “**Objection**”);

WHEREAS, the Motion and the Objection were considered by this Court at a hearing on August 28, 2013;

WHEREAS, upon consideration of the Motion and the Objection, and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue of these Chapter 11 Cases and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this proceeding on the Motion is a core proceeding pursuant to 28 U.S.C. § 157(b); and sufficient notice of the Motion having been given; and it appearing that no other or further notice need be provided, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is granted to the extent set forth herein, and the Automatic Stay is lifted for the limited purpose of allowing the Appeal to be adjudicated by the Second Circuit.
2. If the Movant prevails on the Appeal, the Movant shall be required to seek further relief from the Automatic Stay from this Court to proceed with the Action against the Debtor Defendants in the District Court.
3. In all other respects, the Automatic Stay shall remain in full force and effect.
4. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this order.

Dated: September 13, 2013
New York, New York

/s/**Martin Glenn**
MARTIN GLENN
United States Bankruptcy Judge